

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS

LINDABETH RIVERA, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No.: 1:16-cv-02714

Judge: Honorable Edmond E. Chang

Magistrate Michael T. Mason

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JOSEPH WEISS, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

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**DEFENDANT GOOGLE INC.'S NOTICE OF CONSTITUTIONAL CHALLENGE  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 5.1**

**TO THE COURT, THE ATTORNEY GENERAL OF THE STATE OF ILLINOIS,  
AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Pursuant to Federal Rule of Civil Procedure 5.1(a), Defendant Google Inc. ("Google") hereby gives notice that its Consolidated Motion to Dismiss Plaintiffs' First Amended Complaints, filed on June 17, 2016 [Dkt. 48], calls into question the constitutionality of the Illinois Biometric Information Privacy Act ("BIPA"), 740 ILCS 14/1, *et seq.*

Specifically, Google contends that interpreting BIPA to apply to photographs and information derived from photographs, as Plaintiffs propose, would render the statute unconstitutional under the Commerce Clause of the United States Constitution, U.S. Const. art. I, § 8, cl. 3.

Copies of this Notice, as well as Google's Consolidated Motion to Dismiss Plaintiffs' First Amended Complaints and supporting documents, will be served via registered U.S. Mail on the Attorney General of Illinois at the following address:

Lisa Madigan, Illinois Attorney General  
Office of the Attorney General  
Chicago Main Office  
100 West Randolph Street  
Chicago, Illinois 60601

Dated: June 17, 2016

GOOGLE INC.,

By: /s/ Susan D. Fahringer  
Susan D. Fahringer

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